

Please direct all correspondence to: **32997**

PETITION TO RESET RESPONSE TIME AND TO AVOID ABANDONMENT UNDER 37 CFT 1.137(A) and (B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No. **81091394**
Date: 09/14/2005

**RECEIVED
CENTRAL FAX CENTER**

Dear Sir:

Transmitted herewith for filing is the following:

SEP 14 2005

PETITION TO RESET RESPONSE TIME AND TO AVOID ABANDONMENT

For: **System for Controlling Brake Pulsing at Vehicle Natural Vibration Frequencies**

Enclosed are:

- [PatentPagesOfDrawings] sheet(s) of drawings
- Assignment and Cover Sheet
- Information Disclosure Statement, PTO Form 1449, and Copies of Citations
- A certified copy of
- Petition
- This Transmittal Sheet

The filing fee has been calculated as shown below for OTHER THAN A SMALL ENTITY:

FOR	NO. FILED	NO. EXTRA	RATE	FEES
Petition Filing				\$130.00
				TOTAL \$130.00

- [X] Please charge Deposit Account No. 06-1510 in the amount shown next to the Total.
- [X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.
 - Any additional filing fees required under 37 CFR 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- [X] The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.
 - Any patent application processing fees under 37 CFR 1.17.
 - Any filing fees under 37 CFR 1.16 for presentation of extra claims.

*Express Mail
Mailing Label Number _____

Date of Deposit _____

I hereby certify that this paper or fee is being transmitted
VIA FACSIMILE TO THE United States Patent and
Trademark Office at facsimile number (671) 273-8400 on
September 14, 2005.

(Printed Name of Person Mailing Paper or Fee)

(Signature of Person Mailing Paper or Fee)

Randy Tung
Attorney or Agent of Record
Registration No. 31311
Tung & Associates
838 West Long Lake Road,
Suite 120
Bloomfield Hills, MI 48302 USA. Unknown

Please direct all correspondence to:
32997

BEST AVAILABLE COPY

99-14-05 15:37 FROM-TUNG & ASSOCIATES

12485404035

T-652 P02/06 U-053

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO: Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
CENTRAL FAX CENTER

FROM: Tung & Associates
838 West Long Lake Road - Suite 120
Bloomfield Hills, MI 48302

SEP 14 2005

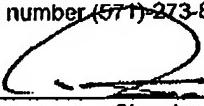
DATE: September 14, 2005

REF: Applicant : Tobler Filing Date : Feb. 17, 2004
Serial No. : 10/780,301 Att'y Docket No.: 81091394
Art Unit : unknown Examiner : Burch, Melody
Title : System for Controlling Brake Pulsing at Vehicle Natural
Vibration Frequencies

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is (1) being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450 on September 14, 2005; or (2) being facsimile transmitted to the United States Patent and Trademark Office at facsimile number (571) 273-8300 on September 14, 2005.

Randy W. Tung
Printed Name


Signature

9/14/05

Date

Please forward all correspondence to
TUNG & ASSOCIATES
838 W. Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

PETITION TO RESET RESPONSE TIME AND TO AVOID ABANDONMENT UNDER 37 CFR 1.137(A) and (B)

Dear Sir:

09/16/2005 TL0111 00000007 061510 10780301

01 FC:1464 130.00 DA

In response to an office action dated 3/18/05, but never received by this office, as directed to the above referenced application, and further in accordance with 37 CFR 1.137 (A) 1-4 and (B) 1-2, please accept this Petition to Reset Response Time and to Avoid Abandonment.

FACTS

Applicants filed this application on 2/17/2004. On or about 3/18/05 an Office Action was prepared, but never received by Applicant's attorney. As of this date, Applicant's counsel has never seen the Office Action dated 3/18/05.

Applicant's counsel requested a status on this application in writing on May 2, 2005, a copy of which is attached hereto as **Exhibit A**. As of this date, Applicant's counsel has not received a copy of the subject Office Action and therefore cannot respond to what he cannot see.

On September 7, 2005, Applicant, through his counsel, Randy W. Tung contacted Examiner Melody Burch and requested a copy of the subject Office Action dated March 18, 2005. The Examiner referred Mr. Tung's office to Toi Johnson the Supervisor of Legal Instrument. However, as of this time, Applicant nor his attorney has not been supplied a copy of said requested Office Action and therefore is unable to respond to it. Further, Applicant's counsel has been advised to file this subject petition but was not provided a copy of the March 18, 2005 Office Action.

REQUESTED RELIEF

Insofar as Applicant has complied with the provisions of his request for reset of response time, Applicant respectfully requests that the Examiner grant his request and provide a copy of the March 18, 2005 Office Action for review and allow Applicant to respond accordingly.

Further, Applicant requests that the Office Action dated March 18, 2005 be provided immediately for Applicant's attorney to review and a new response date, and that Applicant be allowed the opportunity to respond within the allowable three month period in which to respond to an Office Action.

Respectfully submitted,

TUNG & ASSOCIATES

Randy W. Tung (Reg. No. 31,311)

Tung & Associates
838 West Long Lake Road - Suite 120
Bloomfield Hills, MI 48302
248-540-4040 (voice)
248-540-4035 (facsimile)